

MINUTES
KENTUCKY BOARD OF PHARMACY
W.T. Young Library
University of Kentucky
Lexington, Kentucky
March 6, 2002

CALL TO ORDER:

A regular meeting of the Kentucky Board of Pharmacy was held at the W.T. Young Library, University of Kentucky, in Lexington, Kentucky. President Foster called the meeting to order at 9:10 a.m.

Members present: Thomas S. Foster, Becky Cooper, Joe Carr, Georgina Kindall-Jones, Patricia Thornbury, and Timothy Armstrong. Staff present: Michael A. Moné, Executive Director; Jeffrey L. Osman, Pharmacy Inspections and Investigations Coordinator; Maxine Snively, Katie Busroe, and Phil Losch, Pharmacy and Drug Inspectors; Cheryl Lalonde-Mooney, Assistant Attorney General and Board Counsel; and Shannon Settles, Administrative Specialist III. Guests: Brian Fingerson, Pharmacist Recovery Network; Danna Droz, Drug Control; Brian Lance, Meijer; Mike Townsend, Helen Danser, Mack Bell, Narcotic Treatment Programs; Bob Pavlasky, Telepharmacy Solutions Inc.; Rick Slone, Rx Discount Drug; Frank Wickham, Zane-Gideon Assoc.; Mr. Moroni, Ortho Biotech; Mike Hayse, Drug Information Center in Florida; Ruth Plant, Purdue; Todd Downing, CVS; Kerry Knochemus, Intern Students; and the third-year class of the University of Kentucky College of Pharmacy were also in attendance. Melody Curtis, Court Reporter, recorded the meeting.

APPEARANCES:

Telepharmacy Solutions, Inc. Bob Pavlasky and Rick Slone appeared before the Board and gave a brief overview of how Telepharmacy Solutions, Inc. works and where it is presently being used. Telepharmacy Solutions, Inc. provides remote pharmacy services in rural communities. After a brief discussion, Mr. Carr moved the Board to proceed with adopting an administrative regulation with the Notice of Intent being filed to use this technology. Mr. Armstrong seconded and the motion passed unanimously.

Mike Townsend-Narcotic Treatment Programs. A bill has been introduced in the state Legislature concerning the dispensing of methadone from methadone clinics for home use. The bill states that the dispensing of methadone must be in compliance with the Board of Pharmacy regulations. Mr. Townsend requested the Board of Pharmacy's support allowing registered nurses and licensed practical nurses to dispense the doses. After discussion, Ms. Thornbury moved to support current statutory language that would not authorize registered nurses or licensed practical nurses to dispense drugs. Ms. Jones seconded and the motion passed unanimously.

Frank Wickham-Zane Gideon Assoc. Frank Wickham and Mike Hayes gave a brief slide presentation titled "Biotech Drugs and Generic Equivalents."

MINUTES:

On motion by Ms. Thornbury, seconded by Ms. Cooper and passed unanimously, the Minutes of January 9, 2002 and January 26, 2002 were adopted as amended.

INTERAGENCY:

Drug Control. Danna Droz gave a brief overview of Drug Control's functions to the students.

Pharmacist Recovery Network. Brian Fingerson gave a brief overview of the Pharmacist Recovery Network Program. The Program has served 108 clients since 1986, and is presently serving 34.

BOARD REPORTS:

President. Dr. Foster explained the Board appointments and introduced the Board members to the University of Kentucky third year pharmacy students.

Clerkship for third year pharmacy students. After brief discussion, Ms. Thornbury moved to

facilitate a clerkship for a third year pharmacy student with the Board in conduction with the Impaired Pharmacist Committee to create a data base to substantiate the Impaired Pharmacist Committee. Ms. Jones seconded and the motion passed unanimously.

Executive Director. For the benefit of the University of Kentucky third year pharmacy students Mr. Moné gave a brief overview of the licensure exam process, and the responsibilities of the Board of Pharmacy.

Board Staff. Dr. Osman gave an overview of the inspection process.

CURRENT/PENDING CASES: Ms. Jones moved for acceptance and entry of the proposed Agreed Orders as written. Mr. Carr seconded and the motion passed unanimously.

Case No. 00-0077A; Case No. 01-0001; Case No. 01-0093; Case No. 01-0095; Case No. 01-0096A; Case No. 01-0096B; Case No. 01-0107; Case No. 01-0109; Case No. 01-0118; Case No. 01-0124B; Case No. 01-0133A; Case No. 01-0133B; Case No. 01-0134A; Case No. 01-0134B; Case No. 01-0137; Case No. 01-0141B; Case No. 01-0145; Case No. 01-0079.

Case Review Committee

Case No. 01-0139. Pharmacist allegedly engaged in unprofessional and unethical conduct by providing incorrect information while counseling and by failing to perform a prospective drug utilization review. Mr. Carr seconded and the motion passed unanimously.

Case No. 01-0140A. Pharmacist allegedly engaged in unprofessional and unethical conduct by committing a medication error. Mr. Carr seconded and the motion passed unanimously.

Case No. 01-0140B. Pharmacist allegedly engaged in unprofessional and unethical conduct by committing a medication error. Mr. Carr seconded and the motion passed unanimously.

Case No. 02-0001A. Pharmacy permit holder allegedly failed to provide proper security of prescription medications. Mr. Carr seconded and the motion passed unanimously.

Case No. 02-0001B. Pharmacist-in-charge allegedly failed to provide proper security of prescription medications. Mr. Carr seconded and the motion passed unanimously.

Case No. 02-0002. Pharmacist allegedly engaged in unprofessional and unethical conduct by committing a medication error. Mr. Carr seconded and the motion passed unanimously.

Case No. 02-0003. Pharmacist allegedly engaged in unprofessional and unethical conduct by committing a medication error. Mr. Carr seconded and the motion passed unanimously.

Case No. 02-0004. Pharmacist allegedly engaged in unprofessional and unethical conduct by refusing to fill a prescription. Mr. Carr seconded and the motion passed unanimously.

Case No. 02-0005. Pharmacist allegedly engaged in unprofessional and unethical conduct by committing a medication error. Mr. Carr seconded and the motion passed unanimously.

Case No. 02-0007. Pharmacist allegedly engaged in unprofessional and unethical conduct by diverting prescription medications, including controlled substances, without first obtaining a prescription from a licensed practitioner. Mr. Carr seconded and the motion passed unanimously.

Case No. 02-0008. Pharmacist allegedly failed to complete a 1 hour CHS-approved HIV/AIDS continuing education program in 2001. Mr. Carr seconded and the motion passed unanimously.

Case No. 02-0009. Pharmacist allegedly violated previous Agreed Order 00-0081 by failing to notify the Board of places of employment, failing to obtain approval from the Board for places of employment, and violating a state and federal law by removing from the pharmacy a drug for which a prescription is

required, without having first received a prescription for the drug. Mr. Carr seconded and the motion passed unanimously.

Case No. 02-0010. Pharmacist allegedly violated previous Agreed Order 95-0206 by not complying with the timely response to a random urine screen. Mr. Carr seconded and the motion passed unanimously.

Case No. 02-0014. Pharmacist allegedly failed to complete a 1 hour CHS-approved HIV/AIDS continuing education program in 2001. Mr. Carr seconded and the motion passed unanimously.

Case No. 02-0015. Manufacturer allegedly failed to complete a biennial inventory of controlled substances within the last two years. Mr. Carr seconded and the motion passed unanimously.

Case No. 02-0016. Pharmacist allegedly completed 14.5 hours of the required 15 hours of general continuing education requirements in 2001. Mr. Carr seconded and the motion passed unanimously.

Case No. 02-0017. Pharmacist allegedly failed to complete 15 hours of general continuing education requirements, including a CHS-approved HIV/AIDS CE in 2001. Mr. Carr seconded and the motion passed unanimously.

Case No. 02-0019. Medical gas permit holder allegedly failed to conduct the required quarterly inspections by the consultant pharmacist. Mr. Carr seconded and the motion passed unanimously.

Case No. 02-0021. Pharmacist allegedly completed 13.5 hours of the required 15 hours of general continuing education requirements in 2001. Mr. Carr seconded and the motion passed unanimously.

Case No. 02-0022. Pharmacist allegedly failed to complete a 1 hour CHS-approved HIV/AIDS continuing education program in 2001. Mr. Carr seconded and the motion passed unanimously.

Case No. 02-0023. Pharmacist allegedly failed to complete a 1 hour CHS-approved HIV/AIDS continuing education program in 2001. Mr. Carr seconded and the motion passed unanimously.

Case No. 02-0027. Pharmacist allegedly failed to complete a 1 hour CHS-approved HIV/AIDS continuing education program in 2001. Mr. Carr seconded and the motion passed unanimously.

Case No. 02-0031A. Pharmacy permit holder allegedly engaged in unprofessional conduct by committing a medication error and a wrongful generic substitution that resulted in a sale of a misbranded product. Mr. Carr seconded and the motion passed unanimously.

Case No. 02-0031B. Pharmacist allegedly engaged in unprofessional and unethical conduct by committing a medication error and a wrongful generic substitution. Mr. Carr seconded and the motion passed unanimously.

Case No. 02-0033. Wholesaler permit holder allegedly changed locations without proper notification to the Board and a prior inspection. Mr. Carr seconded and the motion passed unanimously.

Case No. 02-0035. Pharmacist allegedly completed 9 hours of the required 15 hours of general continuing education requirements in 2001. Mr. Carr seconded and the motion passed unanimously.

RECIPROCITY:

Marlin L. Blane. The Board reviewed Mr. Blane's correspondence. After brief discussion, Mr. Carr moved to reinstate Mr. Blane's license provided he meets the statutory requirements. Ms. Jones seconded and the motion passed unanimously.

CORRESPONDENCE:

Marla Kriz/ Bluegrass Community Hospital. The Board reviewed a letter regarding Bluegrass Community Hospital Pharmacy sharing references with the Bluegrass Community Hospital Outpatient Pharmacy in Versailles. Mr. Carr moved to approve the request. Ms. Thornbury seconded and the motion passed unanimously.

James Swencki. The Board reviewed a letter requesting permission for Mr. Swencki to serve as the pharmacist-in-charge for both Breathe Easy Pharmacy and Wal-Mart Pharmacy #1675. Ms. Thornbury

moved to approve the request. Mr. Carr seconded and the motion passed unanimously.

David Yancy/ Sheila Walker/ Lourdes Hospital Pharmacy. The Board reviewed letters requesting Mr. Yancy to work at Lourdes Hospital Pharmacy. Ms. Thornbury moved to approve the request. Mr. Carr seconded and the motion passed unanimously.

Shelly Smith. The Board reviewed a letter regarding whether the Board can regulate the use of coupons promoting prescription transfers. Mr. Carr moved to inform Ms. Smith that the Board does not regulate the use of coupons and inform her that she can contact her legislator. Ms. Thornbury seconded and the motion passed unanimously.

David Yancy. The Board reviewed a letter requesting Mr. Yancy to be able to go to Occupation Healthcare Resource Consultants for his remaining drug screens. Mr. Carr moved to deny the request. Ms. Thornbury seconded and the motion was passed unanimously.

Leslie King/Kentucky Pharmaceutical Delivery Service. The Board reviewed a letter requesting the use of the name Kentucky Pharmaceutical Delivery Service. After brief discussion, Mr. Carr moved to deny the request. Ms. Thornbury seconded and the motion passed unanimously.

LEGISLATION/REGULATIONS: Mr. Moné informed the Board of the new regulations that went into effect on February 7, 2002.

CONTINUING EDUCATION: **Program Approval.** Mr. Carr moved to accept the continuing education programs 02-05 through 02-15 as recommended. Ms. Thornbury seconded and the motion passed unanimously.

Health Alliance/ Marianne Ivey. After a brief discussion, Ms. Jones moved to deny the request for a Board of Pharmacy approval of a non ACPE-approved live out of state continuing education program. Mr. Carr seconded and the motion passed unanimously.

EXECUTIVE SESSION: Mr. Carr moved to go into Executive Session under authority of KRS 61.810(1)(f) to discuss discipline or dismissal of an employee. Ms. Cooper seconded and the motion passed unanimously. The Board entered into Executive Session.

OPEN SESSION: Mr. Armstrong moved to go out of Executive Session into open session. Ms. Thornbury seconded and the motion passed unanimously.

Mr. Carr moved to authorize Mr. Moné to terminate Stacy Rankin, Executive Secretary, without cause immediately. Ms. Cooper seconded and the motion passed unanimously.

ADJOURNMENT: On motion by Ms. Cooper, seconded by Ms. Jones and passed unanimously, President Foster adjourned the meeting at 2:15 p.m. The next Board meeting is scheduled to begin at 9:00 a.m. on April 10, 2002, at the Board office in Frankfort.

Michael A. Moné, Executive Director

MINUTES APPROVED APRIL 10, 2002.